

Court of Appeals, State of Michigan

ORDER

Rosanne Burcham v John Briggs Burcham

Docket No. 280664

LC No. 06-043389-DO

E. Thomas Fitzgerald
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

The Court orders that the application for leave to appeal is GRANTED and pursuant to MCR 7.205(D)(2) the December 4, 2006, Uniform Spousal Support Order and May 21, 2007, order of modified support are VACATED. The trial court's original calculation of the amount of support was based on a determination that plaintiff's annual income at the time was \$11,000. It is undisputed that this figure was incorrect; her annual income at that time was \$23,000. Thus, the Court's finding as to plaintiff's income was clearly erroneous. See *Olson v Olson*, 256 Mich App 619, 629; 671 NW2d 64 (2003). This matter is REMANDED for reconsideration of the original amount of support, based on the proper amount of plaintiff's annual income at the time of the divorce. The trial court is also directed to reconsider the modification of the amount of support based the parties' change in circumstances and in light of the recalculation of the amount of spousal support based on the circumstances that existed at the time of entry of the judgment of divorce.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 19 2008

Date

Sandra Schultz Mengel
Chief Clerk